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Hearings on Bill "To authorize the  
Sale of Burned Timber on the Public  
Lands, and for other Purposes."



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1911a

# HEARINGS

BEFORE THE

U.S.

COMMITTEE ON THE PUBLIC LANDS OF THE  
HOUSE OF REPRESENTATIVES

ON

## HOUSE BILL 9845

TO AUTHORIZE THE SALE OF BURNED TIMBER  
ON THE PUBLIC LANDS, AND FOR  
OTHER PURPOSES

FRIDAY, JUNE 2, 1911



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SALE OF BURNED TIMBER ON PUBLIC LANDS.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE PUBLIC LANDS,  
*Friday, June 2, 1911.*

The committee met at 10 o'clock a. m., Hon. Joseph T. Robinson (chairman) presiding.

The CHAIRMAN. The hearing this morning is upon the bill (H. R. 9845) to authorize the sale of burned timber on the public lands, and for other purposes. A communication has been received from the Commissioner of the General Land Office, which I will insert in the hearing, if desired, expressing the necessity for this legislation. Mr. Potter, from the Bureau of Forestry, is present, and we can hear a statement from him, first, as to the necessity for the legislation and the circumstances which make it necessary, and, later, as to the form of it.

**STATEMENT OF MR. ALBERT F. POTTER, ASSISTANT CHIEF,  
UNITED STATES FOREST SERVICE.**

Mr. POTTER. We have been selling fire-killed timber on the Government lands in the national forest reserves, but we have no authority of law for the sale of the fire-killed timber on Government lands outside of the national forest reserves, or for the sale of fire-killed timber on unperfected claims of homestead entrymen or other unperfected claims. The total amount of timber that was killed by the very disastrous fires last fall is probably approximately 5,000,000,000 feet, and of that timber the portion which is accessible is about one-third of that amount. This timber is merchantable if it can be sold within the next three or four years. But after the timber is killed deterioration from checking and discoloration begins to take place immediately, and in about three or four years the borers begin working in it, and after that it is not merchantable timber. So that the problem which presents itself is that unless the timber can be handled immediately, or within the next three years, it will be a loss. We have already sold about 400,000,000 feet of the fire-killed timber that was on national forest lands. We find, however, that there is a considerable amount of fire-killed timber on unperfected claims of homestead entrymen, and in some cases on the alternate railroad sections or lieu selections on unsurveyed land, in which title is not perfected or can not be until a survey is made and approved.

Mr. MONDELL. What proportion of these homestead entries lie within the boundaries of the forest reserves?

Mr. POTTER. A large amount.

Mr. MONDELL. Do you mean homesteads taken on the land prior to the establishment of the reserve?

Mr. POTTER. Yes, sir.

Mr. MONDELL. These are rare cases, however, and only exist in cases where the forest reserve has been recently established?

Mr. POTTER. While that is true, still in the Big Creek Basin, there are about 50 settlers who are in that position.

Mr. MONDELL. When was that reserve established?

Mr. POTTER. About three years ago.

Mr. MONDELL. Are there not settlers who have been in there more than three years?

Mr. POTTER. Yes, sir; some of them have been in there five years, but they have not proven up.

Mr. MONDELL. But so far as the homesteaders within the forest reserves are concerned, who are locators under the forest-reserve homestead law, there is no timber on their lands?

Mr. POTTER. On claims that have been taken under the act of June 11, 1906, there would be no large amount of timber.

Mr. MONDELL. So the only homesteads you would have within the forest reserve—that is, within the exterior boundaries of the forest reserves—that would have timber on them, would be homesteads taken prior to establishment of the reserves?

Mr. POTTER. Yes, sir.

The CHAIRMAN. You have authority to dispose of the timber on these lands within the forest reserves?

Mr. POTTER. On lands of the United States, yes, sir; we have authority to sell fire-killed timber on lands belonging to the United States within the national forest reserves, but there is no authority for the sale of fire-killed timber from public lands outside of the national forest reserves, or from any lands which are covered by unperfected claims. In one instance, where a very large amount of the burned over timber is on unperfected railroad lands, we will probably not be able to sell the timber on the national forest lands in that particular locality, unless the timber on the railroad lands can also be sold. In other instances, we are selling the timber on the lands adjoining and adjacent to and surrounding unperfected homestead entries, and unless the homestead entryman can sell his timber at the same time, he will not have an opportunity to sell it while it is in a merchantable condition.

Mr. MONDELL. But you have comparatively few cases of that kind. There are, I think, none in Wyoming and probably none in Colorado, but there may be a few in Montana.

The CHAIRMAN. Can you give the committee an estimate of the number of cases of that sort?

Mr. POTTER. I would say probably not to exceed 150 in the national forests.

The CHAIRMAN. All told?

Mr. POTTER. Yes, sir.

Mr. RAKER. There is none of it in California?

Mr. POTTER. No, sir; most of the claims are in northern Idaho.

Mr. RAKER. Where reservations have been established recently, within from three to five years, where an entry was made prior to the establishment of the reserve, that might apply, but if entry was made subsequently to that the land is not timbered, is it?

Mr. POTTER. Not many of the recent entrymen have timbered lands, but what few there are, are in the same predicament. If these entrymen can not sell their fire-killed timber at the same time we

sell the fire-killed timber on the adjoining lands, they probably will not be able to sell at all.

Mr. MONDELL. With regard to that class of settlers, the bill provides an elaborate system under which the Government is to cut the timber on the homesteaders' land, and then pay him a proportion of the sum obtained from the sale of the timber. Under the language of the bill, he "shall be paid an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law." Now, this committee considered a bill last year, and we thought that was rather unnecessary bookkeeping, and not entirely fair to the homestead settler. If he is there in good faith, he is really entitled to the timber if he has not been there a year, and the fact that it has been killed by fire is his misfortune and not his fault. Now, the Government proceeds to cut and sell that timber, and gives him one-fourth, one-fifth, one-tenth, or one-twentieth of the proceeds. That will involve the establishment of a rather complicated system of accounting to begin with, and, besides, it does not give the settler what he is entitled to after you get through with it.

Mr. POTTER. Now, the idea was that the homestead settler would give his consent, and that the timber would not be sold without his consent. It would only be sold with the consent of the claimant.

Mr. RAKER. Do you mean to pass a law to permit him to sell his land or timber?

Mr. POTTER. To sell the fire-killed timber on his claim.

Mr. RAKER. He would have consent upon making application?

Mr. POTTER. Yes, sir; upon his application all the timber would be sold.

Mr. MONDELL. The settlers who have been on the land for three years would get three-fifths of the value of the timber and get a further amount later on. Now, they might prefer to wait two years, with the expectation of getting the entire return from it rather than join with you?

Mr. POTTER. That is true; they might.

Mr. MONDELL. The committee reported a bill on this subject in the last Congress, and it passed the House. The first section provided that the Government should have the right to cut the timber on its public lands not covered by filings; second, that the locator, entryman, or selector on the public lands whose lands had been burned over could, upon application, within the discretion of the Secretary of the Interior, be authorized to cut the timber himself. That would involve, of course, a consideration of the bona fides of his entry, but it would give the locator, if a locator in good faith and a bona fide locator, the value of the property which is his, and he would, in every case, apply for leave to sell the timber, because the returns, whatever they were, would come to him. Therefore, when you went to the regions you described in the bill, as we passed it, they would all ask to have the timber sold and would undoubtedly have it included in the sales you would make, but it would save bookkeeping and give the settler or entryman the value of the timber. What objection is there to that?

Mr. POTTER. There is one important point. The plan you propose involves the determination of the validity of the claim.



Mr. MONDELL. But if a man made application under the bill as it now stands to have his timber sold that would also be necessary. You take the case of unperfected lieu selections, or anyone who has an unperfected claim, would any such apply to the Government to cut the timber off his land and retain the proceeds? That is unthinkable. You will not get anywhere with that sort of bill. They simply will not ask to have it done.

Mr. POTTER. I can not agree with the first point, that the claimant on unsurveyed lands would not consent to sell his timber with the understanding that the money would be paid to him when he perfects title, for this reason: The timber is there and fire killed, and unless it is sold within the three years it is not going to have any value. Now, even though the payment is belated, whenever he gets the patent to the land, he would get the money. With the burned timber there on the land, he could not do anything with it until it was sold.

Mr. MONDELL. Under the provisions of your bill, any entryman can receive the money from the sale of timber except the homesteader?

Mr. POTTER. Not until he gets a patent.

Mr. MONDELL. Now, so far as the forest reserve is concerned the homesteader upon timber land in the forest reserve is a rare bird. You have a reserve in Montana where you have that condition, but in a majority of the cases which were within the purview of this bill, the claimant could receive no return whatever at any time.

Mr. POTTER. I think you are mistaken about that. Under section 4 of the bill, this provision is made:

Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman from the special fund provided for in section 2 the amount arising from the sale of such timber.

That was in the original bill. Of course, if a man is never going to get any money, he would not consent, but our idea was that it would be a great advantage to them if we could go right ahead and sell the timber now without waiting to determine the validity of the claim. When the validity of the claim was established and it went to patent he could get the money?

Mr. RAKER. Are there just a few of these homestead claimants?

Mr. POTTER. Not a great many.

Mr. RAKER. And most of them are within the boundaries of the forest reserves?

Mr. POTTER. No, sir; quite a good many are outside of the forest reserves.

Mr. RAKER. Suppose a man makes application under this law to sell timber and it turns out that he gets quite a large price for it, would not that fact be used against him afterwards when he went to establish his claim and the department came to pass upon it? Would they not claim that his entry was invalid because there was too much timber on the land that he took up under the homestead law, and not for timber purposes, and therefore defeat him of his title?

The CHAIRMAN. Under the rules and regulations prescribed by the department, I would say that the cutting, if done in compliance with the regulations, would be permissive, and would not be considered

as waste on the land. Here is a question that occurs to me. This committee at the last session reported a provision in this language:

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to permit the sale of timber killed or seriously damaged by forest fires prior to December first, nineteen hundred and ten, on any lands of the United States embraced within any valid subsisting selection or entry made prior to the first day of December, nineteen hundred and ten: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior.

Now, is it in your opinion necessary to require that this cutting or this selling be done by the department in order to safeguard the department against fraud by the claimant in the disposal of the timber?

MR. POTTER. No, sir.

THE CHAIRMAN. Then why not permit the claimant himself to sell the timber, and save the Government quite a considerable amount of trouble and expense in the matter?

MR. POTTER. There is no objection to that at all, if he wants to delay the sale until the question of the validity of the claim is settled.

THE CHAIRMAN. I did not mean that.

MR. POTTER. But the wording, as you have it, would involve a settlement of the question of validity, because it only authorized the timber to be sold on valid claims.

MR. MONDELL. But through your people in the country there, as the homesteader is living on the claim, the question could be easily settled there. The homesteader is located upon it, has his home upon the land, and it ought not to be a difficult matter to determine that question.

MR. POTTER. The question is whether or not it is advisable to delay the sale until the validity of the claim is established.

THE CHAIRMAN. In your opinion, would it be expensive to pursue the method provided for in the bill as prepared, and require the selling to be done, or authorize the selling to be done by the department? What additional expense and machinery would be required to carry that out?

MR. POTTER. Very little; because we would simply include that timber in the sales that we would make regularly otherwise and it would not impose much additional expense.

MR. FERRIS. Who would provide for the selling of the timber? Who would carry that provision out?

MR. POTTER. The supervisors of the Forest Service.

MR. FERRIS. Of course you have none of them on the public domain where you have no forest reserves, and in that case you would have special agents of the Interior Department to conduct the sales?

MR. POTTER. Yes, sir.

THE CHAIRMAN. Would the adoption of this provision increase the friction that already exists, for some reason, between the agents of the Forest Service and claimants? You know it is a fact that friction has been said to exist. Do you think that the adoption of this provision for the selling of the timber by officials of the Interior Department or by officials of the Forest Service would occasion any difficulties of that kind?

Mr. POTTER. It would occasion some friction, because we would consider some of the claims to be invalid.

The CHAIRMAN. And you would refuse permission to sell the timber?

Mr. POTTER. Yes, sir.

Mr. ANDREWS. My experience is that they would consider all homestead entries invalid. We have had considerable trouble of that sort in New Mexico.

The CHAIRMAN. I think that is the most difficult feature of the bill with reference to its practical operation.

Mr. POTTER. That is one of the reasons, of course, that we recommended this provision, because it did not involve the question of settling the validity of the claims.

The CHAIRMAN. With reference to the probable value of this kind of timber on any claim, what would you say would be its average value? Take, for instance, an ordinary homestead claim in Minnesota or Montana, or any other State where these conditions exist.

Mr. POTTER. Some of this land is heavily timbered. The timber on homesteads in northern Idaho is heavy, and the value of the timber on some of those claims before it was killed by the fire would run up as high as eight or ten thousand dollars. The value of the fire-killed timber would be about one half of that, or about four or five thousand dollars.

The CHAIRMAN. You mean burned-over timber?

Mr. POTTER. Yes, sir.

The CHAIRMAN. The timber that would be affected by this measure?

Mr. POTTER. Yes, sir.

Mr. RAKER. Is it your purpose that when the claim has been perfected and ordered to patent, that all this money should be returned to the homesteader?

Mr. POTTER. The bill provides that; yes, sir.

Mr. GRAHAM. Were all the trees on these claims killed by fire?

Mr. POTTER. On many of them they were.

Mr. MONDELL. Have you read section 4 carefully? It provides:

Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman from the special fund provided for in section 2 the amount arising from the sale of such timber.

Mr. POTTER. Yes, sir; I have read that.

Mr. MONDELL. Under section 3 of the bill the homesteader receives an amount of money which shall bear the same proportion to the total amount received from the sale of the timber from his claim which his residence on the land bears to the total residence required by law.

Mr. POTTER. Then there is a proviso that the remainder of the amount received from the sale of timber on his claim shall be paid to him whenever the Secretary of the Interior shall certify that he has established a right to a patent for the land from which the timber was sold.

The CHAIRMAN. That section simply provides for the withholding from the settler of such portion of the proceeds of the sale of this timber as has not yet been earned by residence, in order to protect the Government if the settler selling the timber should move away?

Mr. POTTER. Yes, sir.

Mr. FERRIS. What does that mean in line 10, section 4—"all other claimants"?

Mr. POTTER. In section 3 is provided the means of reimbursing the homesteaders and in section 4 all other claimants.

Mr. FERRIS. Why do you provide a different method for reimbursing the settlers?

Mr. POTTER. In order that the homestead settler may get some money immediately, because some of them are in rather hard straits.

The CHAIRMAN. And the destruction of the timber may materially impair the holding.

Mr. POTTER. It was for the purpose of giving some immediate relief to the settlers.

Mr. GRAHAM. What are the claims covered by those words "other than homestead claimants"?

Mr. POTTER. They are unsurveyed railroad lands within the primary grant limits, unsurveyed lieu selections, and unperfected claims of other kinds.

Mr. GEORGE. Desert lands?

Mr. POTTER. Or other public lands.

Mr. MONDELL. It could not cover desert lands, because they can not contain timber.

Mr. POTTER. It would apply to any such claim. Of course, it is not supposed that desert claims will be located on timbered lands, but we are not absolutely sure that it is not done sometimes.

Mr. FERRIS. Would it not require a different corps of officers to go around and appraise this timber, inspect and sell it, and handle and dispose of it?

Mr. ANDREWS. It would cost more than they would get for it.

Mr. POTTER. I do not believe that it would require much more.

Mr. RAKER. Would the settler be compelled to pay these expenses out of the amount he is to receive?

Mr. POTTER. No, sir; it was the intention to give them the entire amount, and the Government would pay the expense of the sale.

Mr. MONDELL. Have you sufficient information to enable you to form a reasonably accurate judgment as to the amount of the located or claimed lands burned over in these fires? Do you know what proportion of the lands that would be affected by these provisions are on the public domain outside of the reserves? Would it be the greater part of them?

Mr. POTTER. I believe the greater portion are within the national forest.

Mr. MONDELL. Is there considerable of it outside the national forests?

Mr. POTTER. In my judgment, there is not more than one-half as much outside as in the forest reserves; that is, two-thirds of the fire-killed timber is within the national forest reserves.

Mr. RAKER. Can you give any idea of how many claimants there are that would come under these provisions who are homestead claimants?

Mr. POTTER. I made the statement a little while ago that probably there were about 150 of them in the national forest reserves.

The CHAIRMAN. You do not know how many there are outside of the forest reserves?

Mr. POTTER. No, sir.

The CHAIRMAN. Is there anything else you want to state?

Mr. POTTER. No, sir; I do not know of anything else. Of course the main object we are trying to accomplish is to get authority to sell the timber while it is still merchantable, and that the claimant may sell the timber while it is merchantable before he makes final proof of his claim, so that the timber may be used rather than let it go to waste. That is the main object.

Mr. RAKER. Is there any law in existence by which the department has the right to sell this timber on public lands not within the forest reserves?

Mr. POTTER. No, sir.

Mr. RAKER. Then this would be the first act along that line?

Mr. POTTER. Yes, sir.

Mr. RAKER. To what extent do you go under this language in lines 7 and 8, page 1—"that may have been killed or damaged"? That word "damage" is so extensive in its character, would it not give permission practically to denude the forests outside the reserves? That seems to me to be an important consideration?

The CHAIRMAN. The committee in reporting this bill before interlined the word "seriously," so as to put a limitation on that.

Mr. POTTER. I think the amendment by the committee, in inserting the word "seriously," was intended to have it only cover timber that would die because of the damage.

The CHAIRMAN. That was my own idea, and that was inserted.

Mr. RAKER. That would require an entirely new corps of assistants. There is no method or means by which it could be carried out at the present time?

Mr. POTTER. No, sir; no other than our regular field force.

Mr. RAKER. Now, in order to carry out the provisions of this first section, you would require a new set of officers, which would involve some additional expense?

Mr. POTTER. There would be some additional expense.

Mr. RAKER. It is the purpose to dispose of all of the fire-killed timber on the land within the forest reserves?

Mr. POTTER. Yes, sir.

Mr. RAKER. How much did you say there was of that timber outside of the forest reserves?

Mr. POTTER. I can not say, but it would not exceed 50 per cent of the amount in the national forests, and we figure the amount of fire-killed timber in the national forests at 5,000,000,000 feet. That would be two and one-half billion feet outside.

Mr. RAKER. And the most of that is in the States of Idaho, Oregon, and Washington?

Mr. POTTER. Yes, sir.

The CHAIRMAN. Can you state approximately the administrative cost of this, if this bill is enacted?

Mr. POTTER. It is pretty hard to say, because local conditions affect the cost so much. It would vary from 15 to 30 cents per thousand feet board measure. I should say that would be a reasonable limit.

Mr. GRAHAM. What percentage would that be of the sum realized?

Mr. POTTER. From 15 to 30 per cent, or something like that.

Mr. WICKERSHAM. Do you propose to pay the expense of administration out of this money?

Mr. POTTER. No, sir.

Mr. WICKERSHAM. It is the intention, then, to give the claimant the whole sum realized?

Mr. POTTER. Yes, sir.

The CHAIRMAN. What circumstances would materially affect the administrative cost—what are the circumstances that would materially affect the administrative cost? You say it would probably be from 15 to 30 per cent. What are the circumstances that would make it greater in some cases than in others?

Mr. POTTER. The timber would be more scattering in some places, so that we would have to cover a larger territory in getting the timber out.

The CHAIRMAN. Or more inaccessible?

Mr. POTTER. Yes, sir; and things of that sort.

Mr. RAKER. Is there any provision now by which the department would be able to detail its officers and men to handle the timber outside of the reserves, without any legislation?

Mr. POTTER. No, sir; there is not.

Mr. RAKER. Now you have a field force out there, composed of men who are able to do it, and I understand that the Forest Service can do this work without a new corps. You have men right there at present on the forest reserves surrounding this public land, and why can they not handle the timber on the Government land? I am simply making this as a suggestion. It seems to me that this is a question of economy.

Mr. POTTER. It could be arranged that way. Whether we could do it more cheaply than the Interior Department, I can not say.

Mr. RAKER. But you have men right there in the field, on the ground?

Mr. POTTER. Yes, sir.

Mr. GRAHAM. Attempts to swap work have not been very satisfactory between the departments?

Mr. POTTER. They involve conferences and agreements and exchange of men, and it is quite difficult sometimes where we are working in cooperation with some other department.

Mr. RAKER. But you have men on the ground, and these public lands may be 500 miles away from a center of population. You have a man already there and fully competent to do this work, and it seems to me that it would be better to have the work done by a man already on the ground instead of sending two men to do the work of one man.

Mr. POTTER. They could do it more cheaply.

Mr. RAKER. I am not in favor of doubling the expense because of this question of jealousy between two departments. I never heard of it existing between two departments.

Mr. FERRIS. None of us have.

Mr. MONDELL. The Interior Department also has a number of officials in the field?

Mr. POTTER. Yes, sir.

Mr. MONDELL. Whom they desire to keep employed?

Mr. POTTER. Yes, sir.

Mr. MONDELL. And they probably would be of the opinion that they could handle and sell the timber on the public domain better than the Forest Service could?

Mr. POTTER. Possibly so.

Mr. MONDELL. Have you estimated about what you will be able to get for the stumpage on the burned-over lands?

Mr. POTTER. From \$1.50 to \$2.

Mr. MONDELL. Would you be able to secure as high a price as that?

Mr. POTTER. Yes, sir; we have obtained that price.

Mr. MONDELL. Was that for green timber?

Mr. POTTER. No, sir; for fire-killed timber.

Mr. MONDELL. Do you think you could safely say that you would average \$1.50 for it?

Mr. POTTER. Yes, sir; for merchantable fire-killed timber.

Mr. RAKER. Suppose you put it up for public sale and there was only one bidder who offered, say, 25 cents. What have you here to enable you to call for new bids and get a proper price for the timber?

The CHAIRMAN. That could be done by a regulation. That is not in the bill; it is left to the discretion of the department.

Mr. POTTER. The existing regulations governing the sale of timber from national forests provide that the Secretary of Agriculture shall fix a minimum price on all timber, and there is no sale that does not equal the price so fixed.

**STATEMENT OF HON. HALVOR STEENERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA.**

Mr. STEENERSON. I can only speak for the ninth district of Minnesota, but I want to say to the committee that this bill is of very great importance, and there is very great urgency for its passage or for the passage of some similar bill. We had a very severe forest fire last year. Many of you probably read about it. It was a fire along the Rainy River and Lake of the Woods, and thousands of homesteaders were burned out. That country is covered with forests and various kinds of trees, chiefly timber that is suitable for lumbering. Now these homesteaders can not very well cut the timber under the present legislation. Some of them have applied, but it is difficult to get permission to cut all the timber on the claims. That will not be permitted under existing law, and unless the timber is logged during this summer or next fall, it will be practically worthless. There is a demand for this timber. There are several lumber companies and great competition among them. There are several lumber mills in my district, two at Bemidji, two at Spooner, and another at Thief River Falls, one at East Grand Forks, and there are two or three mills on the Rainy River. These are large mills, and some of these forests are tributary to these places where they are located. I am sure that if the settlers could cut this timber, which is now going to waste, they would realize a pretty good price for it. I apprehend that they would get from \$3 to \$4 or \$5 per 1,000 for it, and perhaps more, but unless it is logged during this summer or fall it will be a waste. Many of them are anxious to do the logging this summer or during the coming fall, and all the preparations must be made during this summer. If this can not be done, the timber will be practically worthless and will go to ruin. It is a matter of great urgency and it is of great public importance.

These are all homestead claims, except that there may be a few Indian allotments, but I should say that 99 per cent of the people interested in this matter are homestead settlers. I tried to get some

compromise bill through last winter. I was very much interested in it, but for some reason or other the House and Senate would not agree and it fell through. I want this bill on behalf of the many thousand settlers in that country. I should say there are between two and three thousand settlers on homesteads in the fire-swept district of northern Minnesota, and I appeal in their behalf that some such legislation as this may be enacted at this session. Otherwise it will mean a loss to them.

Mr. MONDELL. Do your settlers desire permission to cut timber on their claims, or would they be entirely satisfied with the provisions of this bill?

Mr. STEENERSON. I thought at first that the former method would be the right one; I agreed with you on that proposition, but upon inquiry I find that they are satisfied with that provision in this bill. They will be satisfied with any plan by which they can get their lands logged. Where there are public lands interspersed between settlers—suppose here is a township with one-fourth Indian lands, and there is timber on it, and three-fourths of the land is covered by homesteads—it is impractical to log the lands there without logging them all. The fire ran over all of them, and in many cases it is expensive to log one piece of land and leave another.

You must build roads, and that is a very large part of the expense. In many cases there will be required a logging railroad, and that railroad would cost a considerable amount and would represent a large percentage of the total cost of it. When these facilities are provided, you might as well have all of it cut—that is, let the law enable us to have that done, so that the timber that is going to waste can be logged at the same time that the homesteader's land is logged. If that is done the stumpage will be sold for very much more, because there will be more logs to be carried on that logging railroad. I have inquired among the people there, men who are posted, and they say that this bill will operate in a perfectly satisfactory manner to the settlers and to everybody interested in the matter.

Mr. RAKER. What is the character of this timber; is it pine timber?

Mr. STEENERSON. Some of it is pine; most of the Government timber is pine.

Mr. RAKER. What is the character of the other timber?

Mr. STEENERSON. The settlers' timber is mostly spruce and tamarac, although they have some poplar up there.

Mr. RAKER. Have you a list of those men who are making these applications to sell; a list of the homesteaders?

Mr. STEENERSON. No, sir.

Mr. RAKER. Is there a list obtainable; that is, a list of those who are seeking to have this bill passed?

Mr. STEENERSON. I could write up there and get a list of them within a short time; I did not think it necessary.

Mr. RAKER. I was simply asking for information, so that we could apply to the land department for a statement of the condition of the claims. It seems to be such an entirely new policy, both as to homestead and Government land, that I wanted to know something about the inside of it.

Mr. STEENERSON. I have in my files of correspondence many letters from prominent homesteaders up there that I could probably find, although they have not been indexed with that purpose in view. I



had quite a heavy correspondence with homesteaders in the vicinity of Roosevelt and other places all along the south shore of Lake of the Woods. These settlers wrote to me telling me about these conditions. I could go through my files and find some of the names.

Mr. GRAHAM. What is the character of the land as being suitable for agriculture?

Mr. STEENERSON. It is the finest kind of agricultural land when the timber is removed. Some of these fires along the south shore of Lake of the Woods burned the timber so clear that it absolutely cleared thousands of acres of land, and the legislature of Minnesota appropriated \$25,000 for the purpose of purchasing clover, timothy, and other grass seed to enable them to seed the region with grasses.

Mr. GRAHAM. Does that question enter into this question; that is, the presence of these trees on the land now, which these settlers themselves can not remove, and therefore can not clear the land or reduce it to a state of cultivation—has that anything to do with the question of cultivating them?

Mr. STEENERSON. Yes, sir; it will hasten the development of the country and the cultivation of the land.

The CHAIRMAN. You say that there are settlers to the number of 2,000 in the northern part of Minnesota who will be affected by this proposed legislation. Have you any knowledge of the conditions in other localities than the northern part of Minnesota?

Mr. STEENERSON. No, sir; except in a general and vague way. I believe, however, that similar conditions exist in northern Wisconsin, and possibly in some portions of Michigan. I think the forest fire extended there also.

The CHAIRMAN. Can you state approximately the value or the character of this burned timber?

Mr. STEENERSON. The timber, of course, is not what you might call heavy timber. It will probably run from one to three, four, or five hundred thousand feet to the quarter. I do not think any of it will run any higher than that, but most of it, I think, will run about half a million feet per quarter.

Mr. RAKER. Have most of these 2,000 homesteaders brought their land under cultivation?

Mr. STEENERSON. Only in a modest way. It depends altogether on where they are located. In some localities they have opened up a considerable quantity of land, but where they are 15 or 20 miles from the nearest railroad they open enough land to make a garden, and then go back in the summer to North Dakota for work, and come back to hold their claims in the winter.

Mr. RAKER. It seems to me that unless you are careful in the wording of this bill, it will operate to give these men permission to cut and sell all the timber unless there are other conditions provided.

The CHAIRMAN. It would not relate to filings hereafter made, because there is a limitation in the bill which makes it apply only to locations made prior to a certain date; that is, December 1, 1910.

Mr. GRAHAM. That is one of the reasons I asked about the character of the land. Is the land of value for agricultural purposes, whether there are trees on it or not?

Mr. STEENERSON. I think that is true in a vast majority of cases in Minnesota. In my district, where I am personally acquainted, that is true.

Mr. GRAHAM. So that, after realizing on the timber, there would be no disposition to abandon the claims?

Mr. STEENERSON. No, sir. In fact, these lumber companies who obtain large tracts of land put the land on the market and advertise it and maintain a sort of immigration bureau, so that settlers may come in and locate and take up the land for agricultural purposes.

Mr. GRAHAM. What price do they pay?

Mr. STEENERSON. The price is low, and one of these companies makes better terms than the State of Minnesota for the State lands, as I am informed.

Mr. RAKER. Is there much Government land there?

Mr. STEENERSON. When you speak of Government land in Minnesota, there is very little of it; there are only a few thousand acres of public Government land. The land we call Government land is the ceded Indian lands. These lands were ceded to the Government by the Indians upon the condition that settlers should pay \$1.25 per acre, or, in some instances, \$4 per acre. It is not a free homestead and is only public in the sense that you can take a homestead on it by paying so much on it. These ceded Indian lands are located all over that northern country.

Mr. RAKER. Are they being occupied by settlers now?

Mr. STEENERSON. Yes.

Mr. RAKER. As a matter of fact, if these homestead claimants had permission to sell this timber, they could get some lumber company to take the rest of the timber?

Mr. STEENERSON. Yes, sir; but that takes about all of the timber in that country.

I will indicate that on the map here. There is Red Lake [indicating]. This [indicating] is the timber region I spoke of; here is Red Lake [indicating]; there is the largest virgin pine forest in Minnesota, and probably west of the Rocky Mountains, situated around Red Lake. This is Indian land. The fire passed along here [indicating], along the international boundary, and was quite severe in Canada. At this point [indicating] which is colored yellow, the fire did very little damage. The forest right along here [indicating], on the international boundary, along Rainy River, and the south shore of Lake of the Woods was all swept by this fire. There were several fires along the northwest shore of Lake Superior. I do not know whether it damaged the timber on much public land. My notion is that there is very little public land that is covered with timber in Minnesota.

Mr. RAKER. The Indian lands there are disposed of, so far as the Government is concerned?

Mr. STEENERSON. The ceded Indian lands in northern Minnesota are not all disposed of. Still the ceded land there is not what you might call timbered lands for the reason that the act passed in 1889 provided that the lands ceded by the Indians should be inspected and classified as pine and agricultural lands. The pine lands were sold at auction many years ago, so that it left what was called the agricultural lands. That agricultural land was also timbered, but it was not covered with pine timber. Now, the land up there that was not sold as pine land was classified as agricultural land, but it still contained large quantities of spruce, tamarack, poplar, and other kinds of

timber that settlers could sell for the purpose of making lumber and for telephone and telegraph poles and pulp and cord wood.

Mr. MONDELL. Could they sell that stumpage for \$3 or \$4?

Mr. STEENERSON. I think so; white pine up there is very valuable, and Norway pine, I think, sells for \$10 or \$12 on the river bank. I think spruce and poplar stumpage would sell for two or three dollars.

Mr. MONDELL. It is fair to conclude that it would not bring the same price?

Mr. STEENERSON. Yes, sir.

Mr. FERRIS. Are the lands of these settlers involved in a suit up there?

Mr. STEENERSON. No, sir; the suits you have heard so much about relate to land up here [indicating on map]. This is the White Earth Reservation [indicating], and that land has not been burned over at all and would not be affected by this bill.

Mr. FERRIS. Is that prairie land?

Mr. STEENERSON. The prairie land is about two-thirds of the western part; the timbered land is on the eastern part of it. The yellow portions here [indicating] have not been ceded.

Mr. FERRIS. Is it still occupied by Indians?

Mr. STEENERSON. It is still Indian land, with the exception of the White Earth Reservation.

Mr. RAKER. Your idea would be that where the timbered lands have been burned over, to give them the right to sell the timber if the title is still in the Government?

Mr. STEENERSON. These [indicating] are public lands, and these yellow spots there represent Indian lands uncaded. These are Indian lands, and the title is in the Indians.

Mr. RAKER. The right of occupancy is in the Indians, but the real title is in the Government.

Mr. STEENERSON. But this bill does not apply to lands not ceded to the United States; where the Indian title has not been extinguished it is not covered by this bill.

Mr. PRAY. Mr. Potter, during this hearing an inquiry was made as to the number of homestead claimants who would be affected. Can you give the committee an estimate of the number of claimants that have petitioned your bureau for reimbursement on account of losses sustained in the forest fires last year? Have you any idea how many?

Mr. POTTER. I made the statement that there were approximately 150 in the national forests in northern Idaho.

The CHAIRMAN. These figures do not relate to homesteaders outside of the forest reserves. There is some information on that subject in the letter from the Commissioner of the General Land Office. He says that they have received numerous letters requesting information in regard to this matter.

Mr. PRAY. I may state in that connection that last fall I came through the western part of Montana, and stopped at two or three small towns there adjacent to this burned district. Thousands of acres had been burned over right on the line between Montana and Idaho. I saw quite a number of homesteaders there who thought that the Government ought to reimburse them. I remember one man particularly who said that his loss was \$1,000, and that the Government ought to reimburse him. He stated that he had lost his

home, barn, and cattle, and a great many people in that same locality were in the same predicament. They were bona fide homesteaders.

Mr. TAYLOR. Upon what ground did they desire reimbursement?

Mr. PRAY. I do not know, but they thought the Government would be able to reimburse them.

The CHAIRMAN. Mr. Pray, have you any idea of the total area in Montana affected in this manner?

Mr. PRAY. I have no idea, but I know it was very considerable.

The CHAIRMAN. What is the character of the timber?

Mr. PRAY. I think it is all pine in there; great bodies of the finest kind of timber.

The CHAIRMAN. Is it your opinion that quick action is necessary in this matter?

Mr. PRAY. I should say from all the information I can ascertain, that unless the timber can be cut and disposed of, it would become worthless in a very short time. I do not know the total loss; I would not say, because I am not an expert in that line, but I know that the homesteaders are anxious for some relief.

Mr. TAYLOR. If another crop of grass grows up in the forest, and another fire should break out in the timber in its present dry condition caused by the last fire, it will sweep it all away?

Mr. PRAY. Yes, sir.

Mr. TAYLOR. Because after one fire sweeps through it and the timber becomes dry and seasoned, another fire will destroy it completely. This is perishable property.

Mr. RAKER. There is one thing that appeals to me that has not been presented yet; and that is, what is the extent of this burned timber or timber that has been destroyed by these fires?

The CHAIRMAN. Mr. Potter made a statement about that.

Mr. RAKER. But that was a general statement, without any specific statement as to the location, kind, and character of the timber.

Mr. TAYLOR. You would not expect the Forest Service or the Department of the Interior to survey this land and estimate this loss; it would require more money than the lumber is worth.

Mr. RAKER. But they have their agents on the ground all over the West where this timber is located, and it occurs to me that they could give some general idea of the area covered by this timber. The Interior Department also has agents in this region who ought to be able to give some definite idea about this matter. There is a great diversity of opinion on the subject of burning over timber lands. A number of men who have extensive timber holdings have the timber burned over, and they have been setting fires to their timber for the purpose of burning it out. I want to know, if I can, the general conditions surrounding this matter, and how much of the timber was destroyed.

Mr. GEORGE. Why do they burn over the timber?

Mr. RAKER. It is for the purpose of burning out the small trees and undergrowth.

Mr. GEORGE. Do they cut the timber after it is burned over?

Mr. RAKER. No, sir; they have it burned out again when it gets in shape. I want to know the condition of this timber.

The CHAIRMAN. Of course, it is apparent that where the undergrowth is very dense and the fire is sufficient to injure the matured or maturing timber, it can not be beneficial to the timber. In other

localities where there is a very slight amount of undergrowth and where the matured timber is not injured by the fire, the burning may not be a detriment, and in some respects it may be indirectly beneficial. But where the fire is of sufficient force to destroy or kill the matured timber, the case is altogether different.

(Whereupon, at 11.45 a. m., the committee proceeded to the consideration of executive business, after which it adjourned.)

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DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, April 20, 1911.

HON. JOSEPH T. ROBINSON,  
*House of Representatives.*

MY DEAR MR. ROBINSON: Referring to your personal call and request for a statement with regard to the situation which confronts this office with respect to burned timber upon vacant public lands, and upon lands which are embraced in homestead or settlement claims, I have to advise you that for a considerable time past applications have been received by chiefs of field divisions whose districts embrace areas which were devastated by forest fires last year for permission to purchase and dispose of fire-killed timber. The chiefs of field divisions have communicated with this office and requested instructions as to the procedure which should obtain in regard to such cases. Moreover, numerous letters have been received here in which requests were made for information in regard to the same proposition.

There can be no question as to the advisability of allowing the sale of this burned timber. In its present situation it is a menace to the other timber and also to the lives and property of settlers within the burned areas. It will deteriorate rapidly and become practically valueless within a short time if permitted to remain in its present condition. The need of legislation to meet this situation was recognized and was considered to be so serious that two bills were introduced at the last session of Congress. One was Senate bill No. 9957, which passed the Senate on January 27, 1911, was referred to the House, favorably reported by the House committee to which it was assigned, but failed of passage through a ruling on a point of order. The other bill was House bill No. 29711.

When the proposed legislation failed of passage this office gave earnest consideration to the question as to whether or not rules and regulations, providing for the sale of the timber, might be promulgated, the theory being that as the office was charged with the duty of protecting public lands and timber, it would seem to be within its province to allow the sale of timber upon the burnt areas, as it was apparent that the removal of the timber would, as I have stated, be a protection to the timber, which had escaped the forest fires, as well as the property, and even the lives, of the settlers. However, in this consideration there is involved a serious question as to the authority of this office to take the action contemplated, and thus the matter is held in abeyance.

The situation is such as requires very speedy and prompt action, for every day the timber deteriorates in value and continues as a danger.

Very respectfully,

FRED DENNETT,  
*Commissioner.*

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DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, June 3, 1911.

HON. JOSEPH T. ROBINSON,  
*House of Representatives.*

MY DEAR MR. ROBINSON: Referring to your personal request that you be advised more specifically as to the nature of the applications for permits to dispose of the fire-killed timber upon the public lands of the Northwest, and the interests represented by the same, with a view to determining the necessity for legislative action in the matter, I am inclosing for your consideration copies of reports and communications from the special agents of the Land Department, which refer to the numerous petitions filed with them, principally by homesteaders and settlers, praying for relief from total loss by reason of the deterioration of the fire-killed timber.

Your special attention is called to the report made by Chief of Field Division Louis L. Sharp (Exhibit B), dated November 22, 1910, which shows that about 100,000,000

feet of timber had been killed on an area of about 10,000 acres of vacant public land in the Pine Creek basin in the Coeur d'Alene (Idaho) land district. On February 7, 1911, Mr. Sharp submitted a further report, together with a showing made to him by a timber cruiser, who had made an examination of this burned area, and a list of the timber and stone applications filed thereon showing the amounts of timber upon said filings as appraised during March and April, 1910. (See Exhibit D.)

It appears from said reports that the total amount of timber as appraised on these timber and stone entries aggregated 100,460,000 feet of timber; that of this amount 21,165,000 feet must be eliminated as not subject to sale; the balance of 79,295,000 feet can be disposed of by the Government; that owing to the forest fires nearly ever timber and stone applicant failed to perfect his application by purchase of the lands involved, and such applications were canceled. Mr. Sharp added that in addition to the timber mentioned above there was between 50,000,000 and 75,000,000 feet of timber burned, which had not been appraised by the timber cruiser, which would also be subject to sale should the same be authorized, bringing the total amount of burned timber in that locality to about 150,000,000 feet. This report by the timber cruiser called attention to the fact that the Milwaukee Lumber Co. was constructing a railroad in order to reach its own private holdings of fire-killed timber, and had also contracted with the Forest Service for a large body of timber, and it was suggested that the Government timber could be disposed of to advantage at the same time, otherwise it would be a total loss.

Applications for such permits have been filed almost in every instance with the chiefs of field division and the local officers of the burned-over districts, and instructions were requested thereon from this office, without submitting the applications directly here, but it was indicated by such reports that these applications to remove fire-killed timber were made by homesteaders and settlers for their own individual uses or to avoid loss of the realty from their lands (see copy of letter of register of land office at Cass Lake, Minn., Sept. 12, 1910, Exhibit A; also Exhibit E, letter of chief of field division, H. C. Cullom, Mar. 13, 1911), and not, so far as this office has been advised, by lumber companies or sawmill interests, with the exception of one 800-acre tract in the State of Idaho.

When applications were made to this office, they were referred to the proper chief of field division for investigation as to the bona fides of same, for which reason copies of such applications are not furnished herewith.

The disposal of such timber is most desirable, not only to prevent the waste arising from its loss, but to remove a menace to the remaining timber and to public interests from future fires.

Very truly, yours,

FRED DENNETT, *Commissioner.*

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#### EXHIBIT A.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES LAND OFFICE,  
Cass Lake, Minn., September 12, 1910.

HON. COMMISSIONER GENERAL LAND OFFICE,  
Washington, D. C.

SIR: On June 20, 1910, Frank Magnussen, of Bigfork, Minn., made homestead entry No. 04437, for the N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , sec. 25, T. 62, R. 25.

We are in receipt this morning of a letter from the entryman, which is similar to several others received of similar import. We have forwarded Mr. Magnussen's letter to S. J. Colter, chief of field division No. 8, Duluth, Minn. It reads as follows:

"BIGFORK, MINN., September 10, 1910.

"MR. LESTER BARTLETT, Cass Lake, Minn.

"DEAR SIR: I filed on a claim in 'Busti Town' (T. 62, R. 25 W., fourth principal meridian), this summer, and the fire has swept over said claim, leaving the timber useless, unless it is logged this winter, and I write you for information on this question. I want to log the timber this winter, if I can, without doing what is contrary to the homestead laws. I know, under ordinary circumstances, this would be out of the question, but when the timber is useless, if not cut this winter, I think that permission ought to be granted to the homesteader to cut said timber.

"Awaiting a favorable reply from you, I am,

"Respectfully yours,

"FRANK MAGNUSSEN,  
"Bigfork, Minn."

We have replied to this and similar letters, stating that we have no authority to grant cutting off of timber in excess of the amount allowed by the homestead laws, citing said laws, to the effect that timber can be cut on homestead entries whenever necessary for the purpose of clearing and improving the land, and in an amount not inconsistent with good faith and an evident intention of making the land a permanent home.

In view of the fact, however, that similar requests are being received at this office frequently, and of the further fact that forest fires have been numerous and widespread in various localities in this land office district, during the past summer, which have resulted in killing the standing timber on large areas, and that such timber will be useless to the homesteaders or to anyone else if it is not taken care of this winter in the manner indicated by the letter above quoted, we think it advisable to inform your office and Mr. Colter in regard to the situation in order that, if there is any way in which it can be done, proper relief may be granted the homesteaders, and provision made for allowing the timber on burned-over lands to be taken care of.

Kindly advise us at your earliest convenience what action will be taken by the department in regard to similar requests. When such requests are received hereafter, we will advise the writers that we have taken the matter up with your office, and that their letters will be held until advice has been received from you.

Very respectfully,

LESTER BARTLETT, *Register*.

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EXHIBIT B.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Portland, Oreg., November 22, 1910.*

The COMMISSIONER, GENERAL LAND OFFICE,  
*Washington, D. C.*

SIR: I attach hereto copy of report of November 18, 1910, submitted by Timber Cruiser J. E. O'Rouark, on the matter of fire-killed timber on Pine Creek, Coeur d'Alene land district, Idaho. In accordance with my instructions, Mr. O'Rouark made preliminary investigation of the matter, from which source and from his personal knowledge of the locality, he was able to report the facts set forth in said report.

It appears that there is in the neighborhood of 100,000,000 feet of fire-killed timber in the Pine Creek locality, all of which will deteriorate and become practically valueless in a short time.

Under the instructions contained in your letter of February 21, 1908, addressed to me while chief of field division at Helena, Mont., and your letter of August 23, 1910, received by me here, I am directed to make an investigation of such matters, and your letter of February 21, 1908, directed me to submit report upon such timber on the public land with a view of having same disposed of by public sale. It is for the purpose of securing instructions as to the steps to be taken in the matter of the timber reported by Mr. O'Rouark, and to secure authority to sell same if your office deems such course advisable, that I take the matter up with you at this time. From the information received from other sources and the report of Timber Cruiser O'Rouark it appears that there is in the neighborhood of 100,000,000 feet of timber in the said locality which has been killed by the recent forest fires; that while this timber has not yet deteriorated greatly in quality, if allowed to stand for any great period it will deteriorate and eventually become a total loss to the Government; also, if left standing in its present position and condition it will continue to be a serious menace to adjacent timber tracts on account of the liability of forest fires starting from this timber. If timber stands for any considerable length of time, it becomes dry as tinder, and in my experience is more apt to become ignited and the source of fires than growing timber.

In view of the above reasons I submit the report of Mr. O'Rouark, with the recommendation that I be authorized to dispose of the timber in a manner and under such conditions as are deemed best by your office. I would suggest, however, that some arrangements be made for payments by the purchasers after the timber has been cut and removed to a place where it can be easily scaled. This would be a protection to the interests of both the purchaser and the Government. The contract could be so worded as to require the purchaser to take all the merchantable timber and dispose of the debris in the best manner to prevent fire, and to compel him to execute a bond as security for the faithful carrying out of this contract. I also believe that any purchaser should be granted at least two years' time in which to remove all the timber.

If I am authorized to sell the timber, authority should be also granted permitting me to advertise same for sale in the newspapers for a period of at least 30 days, said notices to be published in at least six papers. In this manner, general publicity could be given and more competition secured. I have no doubt but that if liberal terms are offered by the Government a large sum can be realized from this timber. I have no idea as to just what stumpage might be expected. My estimate would be from \$75,000 up. Perhaps we might not be able to secure more than 50 cents per thousand, which would be \$50,000, but I believe \$1 per thousand might reasonably be expected.

Trusting that this matter will be given early consideration and that I be advised of the action taken at an early date, I remain,

Very respectfully,

LOUIS L. SHARP,  
*Chief of Field Division.*

COEUR D'ALENE, IDAHO, November 18, 1910.

L. L. SHARP,

*Chief Field Division, General Land Office, Portland, Oreg.*

SR: Following your advice by letter of November 11 in regard to making report as preliminary to selling fire-killed timber on Pine Creek, I beg to submit the following:

Area burned over in basin.....	acres..	10,000
Estimate fire-killed timber.....	feet..	100,000,000
Amount of timber easily accessible.....	do....	50,000,000

Timber will deteriorate 25 to 50 per cent in one year.

The driving of Pine Creek on a sufficiently large scale to save this timber is impracticable.

Pine Creek Valley has a feasible railroad grade.

Entire length of track necessary, 20 miles; cost of construction wide-gauge logging road, per mile, \$4,000.

A large part of this tract was appraised in 1910 before fire.

The price fixed by appraisement was based on the actual value per 1,000, ascertained by deducting cost of logging, manufacture, etc., from selling price of product. The lumber outlook has not improved since appraisement was made. The great quantity of fire-killed timber offered has a depressing effect on market. It would not be advisable to let any party with insufficient capital or experience attempt to handle this deal. All speculation should be eliminated. The delays and obstructions incidental to the usual department methods should be avoided and set aside in this case. I know of probably three lumber firms that would be likely to make this purchase, any one of which is likely to conclude other arrangements inside of a few months. Timber is going begging. My experience in lumbering and intimate acquaintance with conditions here leads me to recommend that the sale be made to the first well-equipped and practical lumber firm applying at the average price per 1,000 shown in the appraisement made inside this tract in March and April, 1910. Timber should be sold on actual scale, requiring the services of a competent scaler. Area from which fire-killed timber can be removed at a profit lies in N.  $\frac{1}{4}$  T. 47 N., R. 2 E., S.  $\frac{1}{4}$  T. 48 N., R. 2 E., unsurveyed, and NE.  $\frac{1}{4}$ , T. 47 N., R. 1 E., B. M., surveyed, but not accepted. Free right of way in all except the north tier of sections in township 48, range 2, as the title remains with Government.

All propositions to drive Pine Creek should be discouraged, as driving at best, would result in only a small portion of the timber being taken out. Driving is being constantly eliminated by practical loggers in north Idaho. One strong reason is that 10 per cent of all the timber will sink.

There is abundant opportunity for small operators to purchase tracts of timber in proportion to their means.

The construction of a railroad 12 miles long following main stream to forks in sec. 20, T. 48 N., R. 2 E., and on up east fork should be sufficient security for fulfillment any necessary contract. This route could not be used for a trunk line.

Very respectfully,

J. E. O'ROUARK,  
*Timber Cruiser, General Land Office.*



## EXHIBIT C.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Portland, Oreg., November 22, 1910.

The COMMISSIONER, GENERAL LAND OFFICE,

Washington, D. C.

SIR: District Forester W. B. Greeley, of district 1, Missoula, Mont., made a personal call upon me on November 19 and inquired as to the action being taken by the General Land Office in respect to fire-killed timber upon homestead entries. I advised him of the instructions contained in your letter of August 23, 1910, in relation to such matters and of the practice being followed by me in work of this character, which is covered by my circular letter of November 7, 1910, to the special agents and other field employees of this division, copy of which I attach hereto.

Mr. Greeley then inquired as to the practice being followed with reference to applications for permits to cut timber within national forests. I called his attention to the instructions contained in letter of November 8, 1910, from the chief of field service, to the effect that applications covering lands within national forests come exclusively under the jurisdiction of the Department of Agriculture and not under this department. He expressed some doubt as to whether the Forest Service could properly pass upon such applications on account of the necessity of passing upon the question of the bona fides of the entry and the compliance with the requirements of the law by the claimant, which, in his opinion, were matters exclusively within the jurisdiction of the Interior Department. He stated that he believed that, under the law and regulations, the proper method to pursue would be to have an examination of all such applications made by the proper forest officer, whose report should be submitted to the proper chief of Field Division for action, and that no permits be granted by the Forest Service, and indicated that such a recommendation would be made to the Forest Service. We discussed the matter quite fully and agreed that the main point to be determined in acting upon the applications for permits is the question of the bona fides of the entry and the compliance with the requirements of the law by the claimant. He reasons that this being true, and the matter of acting upon entries whether within national forests being left with the Interior Department by the act of February, 1905, the Forest Service would have no right to grant such permit, which necessarily requires as a condition precedent that the bona fides and good or bad faith of the entry be determined and acted upon before the granting of such permit.

I assume that the matter will be taken up with your office through the proper source in Washington; and, if it is, and there is to be any change in the procedure outlined in your said letters of August 23 and November 8 with respect to applications for permits to cut timber by homesteaders within national forests, I would like to be advised of such change at once, so that there will be no delay in action upon such applications and thus inconvenience the settlers in the localities affected, many of whom, I understand, are in bad circumstances.

Very respectfully,

LOUIS L. SHARP,

Chief of Field Division.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Portland, Oreg., February 7, 1911.

The COMMISSIONER GENERAL LAND OFFICE,

Washington, D. C.

SIR: Referring to your letter of December 23, 1910, in relation to the matter of my recommendation of November 27, 1910, as to the sale of certain fire-killed timber on Pine Creek, Cœur d'Alene (Idaho) land district, and calling for information regarding appraisals of timber land in that district, I have the honor to state that on December 29, 1910, I instructed Timber Cruiser J. E. O'Rouark to submit supplemental report as to appraisements made by him and referred to in your said letter, and have to submit herewith his report made in pursuance therewith.

The appraisals referred to by Mr. O'Rouark in his report of November 18, 1910, and in subsequent correspondence between your office and this office, were made in accordance with the regular practice of appraisal of timber and stone applications. The fact that the applicants in many cases consider that Mr. O'Rouark's appraisements were somewhat high and therefore made applications for reappraisements, and that the country has, subsequent to the appraisement, been burned over and most of the timber killed, has caused practically all of the applicants to fail to perfect

their applications by the purchase of the land. The fact that a portion of the lands covered by Mr. O'Rouark's report and my recommendation was at one time embraced in timber and stone applications need not now be considered in the action upon my said recommendation on account of their cancellation.

In your said letter of December 23 you call for report upon any appraisal which might have been made of lands not covered by timber and stone applications. As no cruise of such lands has been made and no reports of appraisements submitted, I have no information or data upon which to make a definite statement as to the amount of timber on such lands; but from the report of Timber Cruiser O'Rouark, dated January 2, it appears that there are 79,295,000 feet of timber on T. 47 N., R. 2 E., upon vacant public lands and subject to sale, and that there are between 50,000,000 and 75,000,000 feet upon Tps. 48 N., R. 2 E., and 47 N., R. 1 E., also subject to sale, which will probably make the amount of fire-killed timber of a salable quality upon the vacant public lands in said townships subject to disposition by the Government at this time about 150,000,000 feet.

Mr. O'Rouark has in his report listed each one of the timber and stone applications appraised by him, giving the description, name of applicant, status, and amount of timber found by his cruises. This list embraces all of such applications, including those in which the applications were perfected and the purchase price paid. From this list it can be seen that but 21,165,000 feet of the 100,960,000 feet cruised by him has passed from the Government and is not now available for disposition.

In view of the fact that an effort should be made to secure a satisfactory price for this timber at the earliest possible date, I have to recommend that the matter be considered and that I be instructed as to the action to be taken at the earliest possible date.

Very respectfully,

LOUIS L. SHARP,  
*Chief of Field Division*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Coeur d'Alene, Idaho, January 2, 1911.*

Mr. L. L. SHARP,  
*Chief of Field Division, General Land Office,  
Portland, Oreg.*

SIR: Your letter of December 29, inclosing letter from the honorable commissioner calling for information in regard to Pine Creek fire-killed timber, reached me at noon on the 31st. I got busy and have worked at it in my slow way ever since.

I found on going to land office that all the T. and S. appraisals made by me in T. 47 N., R. 2 E., except 7, had been forwarded to Washington. As you know, I keep a copy of all my work, and that stood by me this time, although I found some omissions which were made in the strenuous time before and immediately after the furlough (I worked five days on those reports after being furloughed). The figures given in the accompanying report may not all be accurate from the standpoint of the T. and S. appraisal sheets. On returning from the field April 30, 1910, I learned of my furlough to take effect May 1. The work was in a more or less crude form in my field book and needed some revising. In the hurry to get done I neglected to make some corrections in field book. This might lead to some small discrepancies which are unimportant in this connection, but to one not knowing the history of the work would suggest loose, careless methods.

At different times since returning from Portland I have talked with T. and S., claimants, cruisers, and fire fighters about the conditions in T. 47 N., R. 2 E. They all believe that Pine Creek basin is entirely burned over and this would appear to be verified by the almost general abandonment of claims there. Up to the time the appraisements were made in T. 47 N., R. 2 E., the timber had not suffered much from fire. My appraisal was made on a very conservative basis, following the rule of timber buyers for whom I have worked. If the timber had been cut green, the resulting scale would run considerably ahead of estimates. On the other hand, there is always a big falling off in the cut of fire-killed timber. Aside from the loss of dead and defective trees which are not estimated, there is always a large breakage, rejection of small trees, and a general tendency to waste. I think the timber estimated in T. 47 N., R. 2 E., would hold out or even overrun if cut within a year from now. After that the white fir and hemlock which constitutes 30 per cent of all would likely be rejected by loggers. White pine and cedar deteriorates heavily during the first year dead and then remains about the same for three or four years. Cedar poles have a considerable value 10 years after fire. White pine loses value principally by checking, which takes place during the heat and drought of first summer. The tree is without

sap or shade. It should be remembered that townships T. 48 N., R. 2 W., and T. 47 N., R. 1 E., contain a lot of vacant public land which was burned over. These towns would be entered and crossed by a system of railroads into T. 47 N., R. 2 E. The land in these townships has heretofore been largely held by squatters which the fire would drive out as their sole object in squatting was to get the timber. I have no way of forming an estimate of fire-killed timber on vacant land in the two latter townships with sufficient accuracy to be used as a basis but would guess fifty to seventy-five millions.

With regard to T. and S. applications still pending, especially those that show application for reappraisalment, I think they will be allowed to lapse as the applicants have for the most part been playing for time to unload on some one else.

The southeast part of T. 47 N., R. 2 E., tributary to Big Creek, a branch of St. Joe River, has never been taken up in my reports heretofore. The Milwaukee Lumber Co. is constructing a railroad up Big Creek to reach their own fire-killed timber and they have contracted with the Forest Service for a large body. This company will monopolize Big Creek basin and will be the only bidder on any sale. I have been unable to learn anything definite about the fire ravages on upper Big Creek in T. 47 N., R. 2 E.

I have the assurance of Mr. Summerville, clerk in Coeur d'Alene land office, who is very reliable, that T. and S. appraisals were forwarded to Washington at various times since June 15, 1910.

Very respectfully,

J. E. O'ROUARE,  
*Timber Cruiser, General Land Office.*

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EXHIBIT E.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Helena, Mont., March 13, 1911.*

COMMISSIONER, GENERAL LAND OFFICE,  
*Washington, D. C.*

SIR: By letter of March 7, 1911, W. B. Greeley, district forester, Missoula, Mont., states that under a recent decision of the solicitor the Forest Service has no jurisdiction over unperfected homestead claims located prior to the creation of the forest, and that when lands are listed under the act of June 11, 1906, they pass from under the jurisdiction of the Forest Service, wherefore, they hold that they are unable to issue permits to cut fire-killed timber on such claims.

In view of this ruling of the Forest Service, I respectfully request to be advised whether or not this office shall take action on applications to cut fire-killed timber within national forests, when received.

As stated in our letter of recent date, all applications to cut fire-killed timber are being held in this office pending instructions from your office as to whether or not these permits may be granted.

Very respectfully,

H. C. CULLOM, *Chief of Field Division.*



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